

Florida Keys National Marine Sanctuary after the effective date of the regulations in subpart P of this part, provided that:

(1) The applicant notifies the Director, in writing, of the application for such authorization (and of any application for an amendment, renewal, or extension of such authorization) within fifteen (15) days of the date of filing of the application or of the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P of this part, whichever is later;

(2) The applicant complies with the other provisions of this §922.49;

(3) The Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization (or amendment, renewal, or extension); and

(4) The applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities.

(b) Any potential applicant for an authorization described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which an application is intended to be made is prohibited by subparts L through P of this part.

(c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Management at the address specified in subparts L through P of this part. A copy of the application must accompany the notification.

(d) The Director may request additional information from the applicant as he or she deems reasonably necessary to determine whether to object to issuance of an authorization described in paragraph (a) of this section, or what terms and conditions are reasonably necessary to protect Sanctuary resources and qualities. The information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the application.

(e) The Director shall notify, in writing, the agency to which application has been made of his or her pending review of the application and possible objection to issuance. Upon completion of review of the application and information received with respect thereto, the Director shall notify both the agency and applicant, in writing, whether he or she has an objection to issuance and what terms and conditions he or she deems reasonably necessary to protect Sanctuary resources and qualities, and reasons therefor.

(f) The Director may amend the terms and conditions deemed reasonably necessary to protect Sanctuary resources and qualities whenever additional information becomes available justifying such an amendment.

(g) Any time limit prescribed in or established under this §922.49 may be extended by the Director for good cause.

(h) The applicant may appeal any objection by, or terms or conditions imposed by, the Director to the Assistant Administrator or designee in accordance with the provisions of §922.50.

(15 CFR 922.49)

52/00

Page 36—Paragraph 125, line 8; read:

subparts L through P, an applicant for a lease, permit, license or ...

(15 CFR 922.50)

52/00

Page 36—Paragraph 128, line 2; read:

P, the objection to issuance of or the imposition of terms and conditions ...

(15 CFR 922.50)

52/00

Page 40—Paragraph 217; read:

§26.07 Communications.

No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

(33 CFR 26.07)

52/00

Page 43—Paragraphs 227 to 229; strike out.

(33 CFR 26.10)

52/00

Page 44—Paragraph 273, line 2 to Paragraph 279, line 1; read:

Little Diamond Island and Great Diamond Island).

Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at

43°40'13"N., 70°12'00"W.; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at

43°40'03"N., 70°12'15"W.; thence extending along the northerly side of the wharf to its shoreward end at

43°40'03"N., 70°12'17"W.; thence extending along the shoreline of Little Diamond Island to

43°40'11"N., 70°12'20"W.; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at

43°40'21"N., 70°12'06"W.; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at

43°40'15"N., 70°12'02"W.; thence extending along the southwesterly ...

(33 CFR 110.6)

52/00

Page 45—Paragraph 295 to Paragraph 296, line 1; read:

45°31'00.0"N., 70°52'18.5"W. east of Folger Point; thence to a point at

42°30'38.0"N., 70°52'36.5"W.; thence easterly to a point ...

(33 CFR 110.25)

52/00

Page 49—Paragraph 443, lines 2 to 3; read:

with radiotelephones are listed in Appendix A to this part.

(33 CFR 117.15)

52/00

COAST PILOT 1 31 Ed 1998 Change No. 22

Page 33—Paragraph 19, lines 2 to 3; read:

and E apply to all eleven National Marine Sanctuaries for which site-specific regulations appear in subparts F through

P, respectively.
(15 CFR 922.1) 52/00

Page 57—Paragraph 742; read:

(a) Division 1.1 or 1.2 (explosive) materials, as defined in 49 CFR 173.50.
(33 CFR 160.203) 52/00

Page 57—Paragraph 768, lines 2 to 6; read:

adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) the environmental quality of any port, harbor, or navigable waterway of the United States. It may—but need not—involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.
(33 CFR 160.203) 52/00

Page 58—Paragraph 833; read:

Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety office or Group office. (Compliance with this section does not by itself discharge the duty of compliance with 46 CFR 4.05-10.)
(33 CFR 160.215) 52/00

Page 65—Paragraph 1000, lines 8 to 10; read:

Street, NW., suite 700, Washington, DC, and at the Office of Vessel Traffic Management (G-MOV), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 ...
(33 CFR 164.03) 52/00

Page 71—Paragraphs 1170 to 1176; strike out.

(33 CFR 164.40) 52/00

Page 85—Paragraphs 1671 to 1676; read:

TITLE 50, WILDLIFE AND FISHERIES

PART 222—General Endangered and Threatened Marine Species

Subpart A—Introduction and General Provisions

§222.101 Purpose and scope of regulations.

(a) The regulations of parts 222, 223, and 224 of this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the

endangered and threatened marine species enumerated in §§224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth at 50 CFR part 23, chapter I.

(b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).

(c) No statute or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or any other National Marine Fisheries Service enforced statutes or regulations.

(FR 3/23/99; 50 CFR 222.101) 52/00

Page 85—Paragraph 1676, line 5 to Paragraph 1689; read:
interstate transportation of fish or wildlife.

PART 224—Endangered Marine and Anadromous Species **§224.103 Special prohibitions for endangered marine mammals.**

(b) *Approaching North Atlantic right whales.*

(1) *Prohibitions.* Except as provided under paragraph (b)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(ii) Fail to undertake required right whale avoidance measures specified under paragraph (b)(2) of this section.

(2) *Right whale avoidance measures.* Except as provided under paragraph (b)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.

(ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(3) *Exceptions.* The following exceptions apply to this

section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(i) Paragraphs (b)(1) and (b)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(ii) Paragraphs (b)(1) and (b)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(iii) Paragraphs (b)(1) and (b)(2) of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(iv) Paragraphs (b)(1) and (b)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(v) Paragraph (b)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (b)(2) of this section.

(FR 3/23/99; 50 CFR 224.103) 52/00

Page 85—Paragraph 1689, line 4 to Paragraph 1696; read: this section.

PART 226—Designated Critical Habitat

§226.101 Purpose and scope.

The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter, if threatened and at Sec. 224.101 of this chapter, if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title, and for regulations pertaining to prohibition against the adverse modification or destruction of critical habitat, see part 402 of this title. Maps and charts identifying designated critical habitat that are not provided in this section may be obtained upon request to the Office of Protected Resources (see §222.102, definition of “Office of Protected Resources”).

§226.203 Critical habitat for Northern right whales.

(FR 3/23/99; 50 CFR 226.101; 50 CFR 226.203) 52/00

Page 152—Paragraph 168, lines 4 to 5; read: end uncovers 5 feet.

(44/00 CG1) 52/00

Page 161—Paragraph 358, lines 1 to 4; read:

In West Penobscot Bay, eastward of Monroe Island, the ...
(42/00 CG1) 52/00

Page 165—Paragraph 458, lines 4 to 7; read:

and buoys are on the east and west sides of it. A rocky ledge, covered 33 feet and marked with a lighted buoy, is about 2.5 miles south-southwestward of the railroad pier at Mack Point, in the northern section of the Oil Transfer Area.

(H 10867; LL/2000; NOS 13309) 52/00

Page 215—Paragraph 258, lines 8 to 12; read:

daymark. A buoy marks the outer end of the southern breakwater. A marked channel leads from outside the breakwaters to a marina at Wentworth By-the-Sea, a resort hotel; an anchorage area is on the south side of the harbor. In 1993-1994, the midchannel controlling depth was 3 1/2 feet to the marina with 5 1/2 ...

(CL 122/99; LL/2000) 52/00

Page 241—Paragraph 64, lines 4 to 11; read:

Charles River. The Federal project provides for a 40-foot channel from President Roads to the mouth of the Mystic River. The right half of the channel from President Roads to Commonwealth Pier 5, South Boston, and the left half of the channel just northwest of Commonwealth Pier 5 to the Charles River has a Federal project depth of 35 feet. (See Notice to Mariners and latest edition of charts for controlling depths.) In October 2000, a rock was reported, covered 37 feet, in about 42°20'05"N., 70°59'54"W., in the center of the channel between Light 5 and Buoy 6.

(CEM-New England/86; NOS 13272;

CL 1573/00) 52/00

Page 249—Paragraph 233, lines 5 to 8; read:

and 117.621, chapter 2, for drawbridge regulations.) In August 2000, the State Route 3A highway bridge was being rehabilitated and a temporary vertical lift bridge, with a design clearance of 55 feet down, was being constructed just south of the existing bridge. Three overhead power cables cross the river at: 0.7 mile, 1.1 miles, and 1.3 miles above the State Route 3A highway bridge. The first two overhead cables, 0.7 mile and 1.1 miles, have clearances of 150 feet and 100 feet, respectively. The third overhead cable, 1.3 miles, has a reported clearance of 56 feet. State Route 53 fixed highway bridge, about 1.7 miles south of the bascule bridge, has a fixed span with a clearance of 11 feet.

(CL 1562/00; 41/99 CG1; CL 1207/00) 52/00